

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2020-294-C- ORDER NO. 2021-39
JANUARY 22, 2021

IN RE:	Application of Uniti National LLC for a)	ORDER APPOINTING
	Certificate of Public Convenience and)	HEARING EXAMINER
	Necessity to Provide Local Exchange)	
	(Including Exchange Access) and)	
	Interexchange Telecommunications Services)	
	in the State of South Carolina, and for)	
	Alternative Regulation and Flexible)	
	Regulation)	

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the request of the Commission Staff to appoint Jerisha Dukes, Esquire, to serve as a hearing examiner in this docket regarding the Application of Uniti National LLC for a Certificate of Public Convenience and Necessity to Provide Local Exchange, Exchange Access and Interexchange Telecommunications Services. Ms. Dukes would hear the evidence in the case without the presence of the Commission. We grant the Motion.

S.C. Code Ann. Section 58-9-1020 (2015) allows the Commission to employ a special agent or examiner in a telecommunications hearing. This person may administer oaths, examine witnesses, and receive evidence in any locality which the Commission may designate. *Id.* The examiner may not be used in a telephone rate proceeding under the statute. *Id.* We note that the present proceeding is not a telephone rate proceeding.

Further, S.C. Code Ann. Regs. 103-841(A) (2012) states that, when evidence is to be taken in a formal proceeding before the Commission, any Commissioner or any hearing examiner designated by the Commission may preside at the hearing. The presiding officer has the duty to conduct full, fair, and impartial hearings under Section B of the regulation. S.C. Code Ann. Regs. 103-841(B) (2012).

Ms. Dukes, a licensed attorney since 2018, is a Staff Attorney to the Commission and has been employed in that position since 2019. We believe that Ms. Dukes has the ability and knowledge to properly carry out the hearing examiner's role in this case, and we therefore grant the Motion appointing her as hearing examiner.

In accordance with the preceding paragraphs, we make the following:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. S.C. Code Ann. Section 58-9-1020 (2015) allows the Commission to employ a special agent or examiner in non-rate telecommunications hearings.
2. The present proceeding is not a telephone rate proceeding.
3. S.C. Code Ann. Regs. 103-841 (2012) allows a hearing examiner designated by the Commission to preside at a hearing. This regulation sets out the duties and procedures to be employed by that examiner. These duties and procedures should be employed in the present case.
4. Ms. Dukes has the ability and knowledge to act as a hearing examiner in the present case.
5. Ms. Dukes should be appointed as the hearing examiner in this case.

IT IS THEREFORE ORDERED:

The Commission hereby appoints Jerisha Dukes, Esquire, as the hearing examiner in the present case. Ms. Dukes shall follow all applicable statutes and regulations that may pertain to her appointment.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:



A handwritten signature in blue ink, reading "Florence P. Belser", is written over a horizontal line.

Florence P. Belser, Vice Chairman
Public Service Commission of
South Carolina